

Daniel C. Silva

San Diego, California
Shareholder

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Areas of Practice & Industry Specialties

White Collar & Investigations; Litigation; Insolvency & Financial Law Group; Latin America Practice; Consumer Financial Services and Mortgage Regulatory; Financial Institutions Law; Financial Services Regulatory; Fiduciaries, Receivers & Trustees; Start-Ups & Early Stage Companies; Technology

When representing businesses and individuals in complex criminal, civil, and financial litigation, Daniel C. Silva brings the strength of a former federal prosecutor and the insights of an in-house global risk counsel at a financial technology company. Danny advises clients engaged in criminal investigations, regulatory enforcement actions, internal investigations, business partnership disputes, and dealings with receivers, monitors, and whistleblowers. He provides clients with extensive trial, investigation, due diligence, and risk assessment experience.

As the architect and quarterback of hundreds of financial investigations, Danny worked with financial institutions, witnesses, whistleblowers, and in parallel with U.S. and foreign regulators and law enforcement. He offers strategic insights into the prosecutorial and regulatory playbook of leading financial authorities such as the SEC, FinCEN, CFTC, IRS, California Franchise Tax Board, Federal Reserve Board, OCC, FDIC, OFAC, and the Department of Defense.

Most recently, Danny achieved a declination of charges on behalf of an international business at an early stage of a grand jury investigation led by the Department of Justice, with a parallel investigation by OFAC, relating to allegations of international money laundering, wire fraud, organized crime, criminal forfeiture, and narcotics trafficking.

That matter shows Danny's significant depth in advising companies on anti-money laundering (AML) compliance and related financial regulations. This foundation allows him to guide companies through the intricacies of structuring international transactions to avoid being "de-risked", and to comply with the Foreign Account Tax Compliance Act (FATCA), FBAR reporting, and OFAC investigations.

Having prosecuted frauds involving cryptocurrency and Ponzi schemes, he offers best-practices counsel to startups, emerging payment and finance systems, virtual currency, and other fintech companies. A former in-house counsel of a fintech company, Danny has evaluated business operations, transactions, and compliance programs from all sides—as a prosecutor, alongside regulators, and inside a global financial institution. He frequently collaborates with clients' advisors to provide comprehensive, strategic, and powerful defense.

Danny's rare skill set, backed by extensive trial and appellate experience, makes him an effective, aggressive, and efficient advocate for clients in banking, international financial services, and other money services businesses (MSBs).

Authority on Financial Crimes. During his decade at the U.S. Attorney's Office, Danny built a financial crimes task force that targeted international money laundering, all kinds of fraud (wire, securities, tax, and bank), AML violations, and asset forfeiture matters.

His success in securing multimillion-dollar penalties and convictions for the world's most complex financial crimes includes:

- The subsidiary of an international banking conglomerate, in an industry-shifting guilty plea and multi-hundred-million-dollar forfeiture for the bank's AML violations and fraudulent conduct, while working alongside the OCC, FinCEN, and whistleblowers.
- A multibillion-dollar cryptocurrency Ponzi scheme—recognized as the largest ever prosecuted at the time—involving securities, commodities, and MSB violations that secured a significant forfeiture and restitution for victims, in parallel with the SEC.
- Dozens of MSBs that moved billions of dollars around the world across global networks of agents and digital payment platforms—most prominently throughout Latin America and Asia via casinos and *casas de cambio*—in parallel with FinCEN, OFAC, Department of Defense, and several gaming regulators.

In addition to a J.D., Danny earned an LL.M. in Taxation and an MBA with a concentration in international business. He followed his tenure at the U.S. Attorney's Office with an in-house counsel role at the fintech startup Stripe.

Danny identified and mitigated risks when Stripe's users ran afoul of financial and securities laws, credit and reputational risks, and financial partnership obligations. He has early career experience in private practice representing debtors, creditors, and trustees in bankruptcy proceedings at a national law firm.

Danny is an in-demand speaker and author on international money laundering, including common ways professional "enablers" find themselves targeted by law enforcement. He has been retained as an expert in international financial investigations and frequently publishes articles related to his financial crime expertise. Media regularly seeks his perspective during significant criminal, financial, and litigation events.

Since 2022, Daniel has been a visiting professor at the Escuela Libre de Derecho, CDMX, Mexico, for the Diploma in Financial Crimes and Money Laundering—U.S. criminal, forfeiture, and restitution laws.

When Daniel was with the Department of Justice, he participated in anti-money laundering and anti-corruption workshops in Ethiopia and Kuwait. In addition, the Departments of State, Treasury, and Justice selected him to conduct an AML Assessment of Mozambique, where he traveled to assess the nation's financial system, financial laws and regulations, and AML compliance. He met with leaders of the largest financial institutions, the Central Bank of Mozambique, law enforcement officials, and international non-governmental agencies to prepare a report for the Departments of State and Treasury, which ultimately led to more funding from the U.S.

Recognition of Impact. Danny earned the highest award in the DOJ's Criminal Division, and twice received an award from the Director of FinCEN, America's AML regulator. He obtained TS/SCI clearance while acting as the U.S. Attorney's Office FinCEN Coordinator and, for several years, its Tribal Liaison.

Teaching at law schools in the United States and Mexico, Danny has also trained U.S. and foreign law enforcement and regulators, and his ground-breaking investigations have been recognized by foreign governments.

Recognition and Awards

- Assistant Attorney General's Exceptional Service Award, Department of Justice, 2018
- Director's Award, FinCEN, 2020 (Significant Fraud Case) and 2015
- Richard C. Pugh Award for career contributions to international tax law, USD School of Law, 2021

Professional Involvement

- Federal Bar Association, Member

- California Lawyers Association, Taxation Section Member
- Association of Certified Anti-Money Laundering Specialists (“ACAMS”), Board Member—San Diego-Baja California Chapter

Thought Leadership Highlights

- Interviewed by global media for insights into criminal prosecutions, financial crimes investigations, and impact on cryptocurrency market, including: Financial Times, BBC, New York Times, Washington Post, CNBC, Decrypt, and Law360.
- Since 2022, Daniel has been a visiting professor at the *Escuela Libre de Derecho*, CDMX, Mexico, where he leads classes for the Diploma in Financial Crimes and Money Laundering—U.S. criminal, forfeiture, and restitution laws.
- When Daniel was with the Department of Justice, he participated in AML and anti-corruption workshops in Ethiopia and Kuwait. In addition, the Departments of State, Treasury, and Justice selected him to conduct an AML Assessment of Mozambique, where he traveled to assess the nation’s financial system, financial laws and regulations, and AML compliance. He met with leaders of the largest financial institutions, the Central Bank of Mozambique, law enforcement officials, and international non-governmental agencies to prepare a report for the Departments of State and Treasury, which ultimately led to more funding from the U.S.

Representative Matters

- A declination of charges on behalf of an international business at an early stage of a grand jury investigation led by the Department of Justice, with a parallel investigation by OFAC, relating to allegations of international money laundering, wire fraud, organized crime, criminal forfeiture, and narcotics trafficking.
- Advised international money services business on its Bank Secrecy Act/Anti-Money Laundering (“BSA/AML”) program, in anticipation of the company expanding its product offerings and geographic operations, and to identify and mitigate associated risks.
- Conducted internal investigation of a financial institution’s operations and BSA/AML program after one of its largest customers filed for bankruptcy amid fraud claims. The quick and thorough review resulted in law enforcement declining to investigate the financial institution, and further resolved potential roadblocks to mergers and acquisitions.
- Represented businesses and individuals under criminal and civil investigation for Payment Protection Program (“PPP”) and Economic Injury Disaster Loans (“EIDL”).
- Advised Latin America-based property developer with restructuring its corporate and banking operations after financial institutions raised concerns that it was too risky and potentially subject to losing its bank accounts, while also assisting property developer partner with new financial institutions.
- Advised multiple cryptocurrency developers and investors with impact of suspected fraud and involvement of global law enforcement.

Publications

- Bet it all on Blue: How the Betrayal of Los Angeles Dodgers’ Star Shohei Ohtani Impacts both the Sports and Legal Worlds, April 15, 2024
- Corporate Transparency Act Found Unconstitutional for Certain Businesses, *Buchalter Client Alert*, March 25, 2024
- PPP LENDER LIABILITY, ENFORCEMENT, & FINTECH CHALLENGES, December 28, 2023
- PPP FRAUD ENFORCEMENT SHOWS NO SIGNS OF SLOWING, October 31, 2023
- Fighting FATCA Tax Fraud Through Cross-Agency Enforcement, *TaxNotes*, October 23, 2023

- Enforcement Of International Tax Reporting Is Heating Up, *Law360*, October 23, 2023
- FBARs, FATCA, and Foreign Nationals: Where are We Headed?, *Buchalter Client Alert*, August 29, 2023
- The Need for Cross-Agency Enforcement of FATCA Tax Fraud against Foreign Governments, *California Lawyers Association*, May 16, 2023

Presentations

- Panelist, "Is the BS" Ready for AI?," ACAMS Southern California Chapter 7th Annual AML Symposium , June 7, 2024
- Speaker, "WEBINAR: BEHIND CLOSED DOORS: STRATEGIES AND BEST PRACTICES FOR CONDUCTING INTERNAL INVESTIGATIONS," California Lawyers Association, June 6, 2024
- Speaker, "Daniel Silva, Speaker at the Estate Planning Council of Northern Nevada," Estate Planning Council of Northern Nevada, May 30, 2024
- Panelist, "Anti-Money Laundering Compliance in the Gaming Industry," 45th Annual NVCPA Gaming Conference, May 14, 2024
- Moderator, "AI and AML - Risks, Opportunities, and the Future," West Coast AML Forum, May 2, 2024
- Panelist, "Daniel Silva, Speaker at the ANADE Colegio de Abogados Trinational Conference," Anade Colegio de Abogados 2nd Trinational Conference, April 12, 2024
- Speakers, "Impuestos en Estados Unidos / The U.S. Tax System," Seminario de Tributación Internacional, March 5, 2024
- Speaker, "Financial and Legal Gatekeepers—Money Laundering, Fraud, and AML Considerations," Society of Trust and Estate Practitioners , January 23, 2024
- Presenter, "Financial Technology Companies and AML: How “FinTechs” have Embedded Themselves into the Financial System, and the Risks and Opportunities they Present," ACAMS San Diego Baja Chapter’s 6th Annual Financial Crimes Forum, December 5, 2023
- Speakers, "FATCA, FBARS and Financial Crimes," USD School of Law, November 30, 2023
- Presenter, "The Need for Cross Border Agency Enforcement of FATCA Tax Fraud," American College of Trust and Estate Counsel’s Financial Action Task Force Committee, October 28, 2023
- Presenter, "Lawyers as Gatekeepers - Money Laundering, Fraud and other Criminal Risks," Association of Certified Financial Crime Specialists , October 5, 2023
- Speaker, "Criminal Tax Workshop: A Guide to IRS Criminal Tax Investigations and Prosecutions," The University of San Diego School of Law, July 28, 2023
- Presenter , "Inside the Bank Secrecy Act and Its Impact on Tax Attorneys," American Bar Association , June 7, 2023
- Presenter, "Daniel C. Silva, Presenter at the USD-Chamberlain Tax Institute Conference," May 16, 2023
- Presenter , "Financial Crimes and Forfeiture," Fraud Symposium, October 11, 2022
- Panelist, "Criminal Trends with Casinos and MSBs," June 10, 2022

Education

Daniel holds a J.D. from the University of San Diego School of Law, where he was a member of the *San Diego International Law Journal*. He also earned an LL.M. in Taxation from the University of San Diego School of Law. Daniel received two degrees at Villanova University: an MBA with a concentration in international business, and a B.A. in philosophy, with minors in business and political science. He was a member of Villanova’s football team, earning All-Academic Team honors across several seasons.

Bar Admissions

- California

Court Admissions

- United States Court of Appeals for the Ninth Circuit
- United States District Court across California
- United States Tax Court

Community

- Danny is active in his community, sitting on boards, participating in community outreach, and volunteering along with his children to maintain San Diego's beautiful community.
- *Escuela Libre de Derecho*, CDMX, Mexico, 2022 & 2023: Visiting professor, Diploma in Financial Crimes and Money Laundering—US criminal, forfeiture, and restitution laws.